

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,
RICARDO GONZALES, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 38 HEALTH AND
WELFARE FUND, INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 295-295C WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All Others Similarly
Situating,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang
Magistrate Judge Sheila Finnegan

**DECLARATION OF MICHAEL S. LEIB
IN SUPPORT OF WALGREENS'
OPPOSITION TO PLAINTIFFS'
MOTION TO EXCLUDE THE EXPERT
REPORT AND TESTIMONY OF JED
SMITH PURSUANT TO FEDERAL
RULE OF EVIDENCE 702 TO THE
EXTENT HE PURPORTS TO HAVE
DETERMINED PSC PRICES**

I, Michael S. Leib, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at the law firm of Reed Smith LLP and admitted to practice before this Court. I submit this Declaration in support of Defendant Walgreen Co.'s Opposition to Plaintiffs' Motion to Exclude the Expert Report and Testimony of Jed Smith Pursuant to Federal Rule of Evidence 702 to the Extent He Purports to Have Determined PSC Prices. I have personal knowledge of the facts set forth herein and could testify competently to them if called to do so.

2. Attached as **Exhibit A** is a true and correct copy of excerpts of the January 17, 2023 deposition of Lynette Hilton, Ph.D.

3. Attached as **Exhibit B** is a true and correct copy of excerpts of the April 28, 2023 deposition of Jed Smith.

4. Attached as **Exhibits C-J** are true and correct copies of data queries produced in connection with the March 17, 2023 expert report of Jed Smith, Bates-stamped Walg_Forth_Smith00001-30 and Walg_Forth_Smith00278-324.

5. Attached as **Exhibit K** are true and correct copies of Walgreens' April 5, 18, and 20, 2023 production letters sent in connection with the production of the documents in Exhibits C-J.

6. Attached as **Exhibit L** is a true and correct copy of data queries Plaintiffs produced in connection with Lynette Hilton's expert reports, Bates-stamped HILTON_0000134-179, and the July 13, 2023 production letter sent in connection with the production of those same queries.

Executed on this 14th day of September, 2023, in New York, New York.

/s/ Michael S. Leib
Michael S. Leib

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Michael S. Leib
Michael S. Leib